

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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ADENTA GMBH, DR. WOLFGANG HEISER,  
and MR. CLAUS SCHENDELL,

Plaintiffs,

Case No. 04-C-905

v.

ORTHOARM INC. and AMERICAN  
ORTHODONTICS CORPORATION,

Defendants.

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**OPINION AND ORDER**

Following a trial at the conclusion of which a jury returned a verdict in favor of the Plaintiffs, Defendant OrthoArm, Inc. has filed a motion for judgment as a matter of law, or, in the alternative, for a new trial. See Federal Rules of Civil Procedure 59 & 59. The movant argues that:

(1) the jury lacked any legally sufficient evidentiary basis to find that claims 2, 3, 4, 10, and 11 were anticipated; (2) the jury's finding that claim 2 of the '883 patent was anticipated but that the identical claim 9 was not constitutes a legal impossibility and inconsistent verdict; and (3) the jury's finding that claim 9 was not anticipated but that claims 10 and 11 were anticipated constitutes a legal impossibility and inconsistent verdict. Alternatively, OrthoArm requests a new trial on all issues because the jury returned an inconsistent and legally impossible verdict that cannot be reconciled.

OrthoArm's Renewed Motion for Judgment as a Matter of Law or in the Alternative for a New Trial at 1.

The Plaintiffs have responded and have conceded that judgment as a matter of law should be granted on the issues raised by OrthoArm in this motion. Therefore, the court ORDERS that "Orthoarm's Renewed Motion for Judgment as a Matter of Law" (filed June 13, 2006) IS GRANTED. The alternative request for a new trial is denied.

Done and Ordered in Chambers at the United States Courthouse,  
Milwaukee, Wisconsin, this 30th day of June, 2006.

s/ Thomas J. Curran  
Thomas J. Curran  
United States District Judge